

REMARKS

First, Applicants wish to thank the Examiner for the thorough examination. In the Office Action of September 15, 2004, claims 1, 2, 4, 10-12, 16, 18, 28 and 61-98 were rejected. Applicant hereby responds to the Office Action based on the following remarks.

Rejections under 35 U.S.C. § 112 were withdrawn

In the Office Action of September 15, 2004, on page 2, the Examiner withdraws the rejections under 35 U.S.C. 112, second paragraph, of the prior office action.

Rejections under 35 U.S.C. § 103(a)

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 4, 10-12, 16, 18, 61-70 and 77-98, of which claims 1, 86 and 87 are independent, under 35 U.S.C. 103(a) as being unpatentable over US 5,136,501 (Silverman) in view of US 5,844, 572 (Schott). Claims 1, 86, 87 and 90 are of independent form. Applicants traverse these rejections and respectfully request reconsideration.

Claim 1 is a method for "facilitating the placement of an order for an item and for displaying transactional information to a user regarding the buying and selling of items in a system...." Claims 86 and 90 have limitations that mirror the limitations found in claim 1. Neither Silverman nor Schott show such methods.

Applicants agree with the Examiner that Silverman does not show "displaying an order icon associated with an order by the user for a particular quantity of the item," or "in response to a user initiated command, moving the order icon to a location associated with a value along the first scaled axis of values" as called for by claim 1. (See page 3 of the Office Action). And, while Silverman describes having a "keystation" for displaying certain data provided by the host computer not along a scaled axis, Silverman teaches order entry by "[t]he order entry function is preferably conventionally achieved through data entry using a conventional keyboard, pointing device such as a mouse or any other conventional data entry tool," with emphasis added.

To make up for this deficiency, the Examiner turns to Schott. However, Schott also does not show displaying "an order icon associated with an order by the user for a particular quantity of the item." Rather, Schott only shows a method and apparatus for altering data by

manipulation of representational dynamic graphs. Manipulating a dynamic graph as taught in Schott does not teach facilitating placement of an order to buy or sell items by "displaying an order icon associated with an order by the user for a particular quantity of the item; and in response to a user initiated command, moving the order icon to a location associated with a value along the first scaled axis of values." Indeed, Schott makes no reference to, or mention whatsoever of, facilitating order placement – let alone by an "order icon" or an "order by the user." Instead, the displays in Schott that the Examiner refers to as displaying "financial information" are some configurable pie charts and a spreadsheet representing a "training budget" – not order placement. Further, the use of hindsight reasoning in coming to this proposed conclusion is impermissible, and therefore, one cannot include knowledge gleaned only from Applicants' disclosure.

Even more, the Examiner suggests that it would have been obvious to "modify the method of displaying bid/offer information of Silverman" to include manipulation of information of Schott to come up with Applicants' claimed invention. First, Silverman does not show a method for displaying bid/offer information as the Examiner has proposed. While display of bid/offer data may be used to generate "a display" at a keystation in Silverman (see the Examiner's comment on page 4, first paragraph, of the Office Action), the reference does not teach displaying the data in a way similar to claim 1. Even if Silverman did show these limitations, which Silverman *does not*, it is not enough to demonstrate the obviousness of the claimed subject matter, for the mere fact that Silverman *could be* modified to include the manipulation of information of Schott does not make such a modification obvious unless the references suggests the desirability of doing so – which they do not. In fact, just the opposite occurs, Silverman *prefers* order entry using *conventional* means, which is contrary to Applicants' unconventional method of facilitating the placement of an order for an item and for displaying transactional information by allowing an order icon to be moved to a location associated with a value along the first scaled axis of values in response to a user initiated command. Silverman's preferred use of conventional order entry would not suggest (either expressly or impliedly) the use or need of any modifications. Further, there is no suggestion in Schott to combine any of its functionality to provide a method for facilitating the placement of an order for the buying and selling of items.

Claim 87 is a method for "displaying transactional information to a user regarding the

buying and selling of items in a system where orders comprise a bid type or an offer type." The method further includes displaying bid indicators and offer indicators at locations corresponding to values along a scaled axis such that the values "represent a derivative of price for the item." In rejecting claim 87, the Examiner referred back to the discussion of claim 1, but claim 1 does not have this limitation. The Examiner rejected claim 72, which has a similar limitation as claim 87, therefore Applicants' will address that rejection. Thus, claim 87 is allowable for similar reasons.

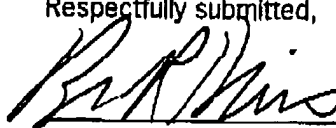
Applicants agree with the Examiner that Silverman does not disclose a derivative of price. (See page 9 of the Office Action). To make up for this deficiency, the Examiner then turns to US 6,161,099 (Harrington), and particularly, to section Col. 9, lines 40-55 and Fig. 15, to suggest it would have been obvious to substitute the interest rate derivative of Harrington for the price disclosed by Silverman..." Applicants respectfully disagree. Harrington (or any of the other references, for that matter) simply does not teach or suggest displaying indicators at locations corresponding to values representing a derivative of price. As described in section of Harrington highlighted by the Examiner, having a user enter "a coupon for each maturity and an aggregate purchase price, and at the Issuer's option, a price or yield for each maturity," does not expressly or impliedly teach or suggest displaying indicators corresponding to a derivative of price along a scaled axis. Moreover, Silverman does not suggest, and one could not imply without hindsight and knowledge from Applicants' disclosure, that it would be desirable to display bid and offer indicators along an axis, let alone, displaying these indicators corresponding to a derivative of price along an axis

For at least the foregoing reasons, independent claims 1, 86, 87 and 90 are allowable, and the remaining rejected claims depend either directly or indirectly from one of the independent claim. Applicants therefore submit that the present application is in condition for allowance and notice to that effect is hereby requested. If the Examiner believes that further dialog would expedite consideration of the application, he is invited to contact the Applicants' patent agent, Mark Triplett at (312) 476-1151.

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Respectfully submitted,

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